(1)

(13)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

Single Bench

CIVIL REVISION NO. 186 OF 2004

CIVIL REVISION UNDER SECTION 115 OF THE CODE OF CIVIL PROCEDURE

APPLICANT: National Insurance Company Ltd., Through its Assistant Manager, B-1, Taha Complex, 2nd Floor, Ring Road No.2, Priyadarshini Nagar, Bilaspur, Chhattisgarh.

- Versus -

NON-APPLICANTS/: (Claimants)

1. Smt. Vimla Kothari, Aged about 45 years, Widow of Late Shri Satya Prakash Kothari.

2. Lokesh Kumar, Aged about 24 years, S/o Late Shri Satya Prakash Kothari.

3. Kum. Shweta, Aged about 22 years, D/o Late Shri Satya Prakash Kothari.

4. Kum. Honey, Aged about 18 years, D/o Late Shri Satya Prakash Kothari.

5. Manendra Kumar Kothari, Aged about 13 years, S/o Late Shri Satya Prakash Kothari. Through : Non-applicant No.1

Non-applicants/claimants No.1 to 5 residents of Sadar Road, Balod, District: Durg, Chhattisgarh.

P.R. No. 348 of 04
Presented by Shri Samadh Sharma
dated 05.11.04

NON-APPLICANTS:

6. Khemlal, Aged about 27 years, S/o Balaram Sahu, R/o Bisahu Tola, Police Station: Chichola, District: Rajnandgaon, Chhattisgarh, (Driver of Marshall Jeep No. CG-07/ZD-6314; License No.

(11)

K/542/Rajnandgaon; Valid up to: 20.07.2021).

7. Arvind Lal, S/o Shri Tukelal, Main Road, Chichola, District: Rajnandgaon, Chhattisgarh, (Registered owner of Marshall Jeep No.CG-07/ZD-6314).

8. Bhogdas Sahu, S/o Shri Ramprasad Sahu, R/o Lalpur, Distt.: Raipur, Chhattisgarh, (Owner of Matador No.CG-04/ ZB-1641).

9. The Oriental Insurance Co. Ltd., Through its Divisional Manager, Divisional Office: Naahar Bhawan, Malviya Nagar, Durg, Chhattisgarh, (Insurance Company of Marshall Jeep No.CG-07/ZD-6314; Policy No.2002/8802; Validity period: 29.11.2001 to 28.11.2002).

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक C.R. 188/04 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

11-03-2005

Shri Sourabh Sharma learned counsel for the applicant.

Heard on the question of admission

This revision petition has been filed by the applicant against the impugned order dated 29.9.2004 passed by Additional Motor Accident Claims Tribunal Balod in Claim Case No. 39/2002 whereby the application of the applicant filed under Order 1 Rule 10 read with section 151 of the CPC for deleting non applicant No.5 – National Insurance Company has been rejected.

However, in view of proviso to section 115 of the Code of Civil Procedure and the judgments of the Apex Court in the matter of **Surya Devi Rai Vs. Ram Chander Rai and others reported in (2003) Vol. 6, SCC 675** as well as in the matter of **Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and others reported in (2003) 6 SCC 659**, the instant revision is not maintainable.

Accordingly, the revision petition is dismissed as not maintainable.

Sd/-
DHIRENDRA MISHRA
Judge

DJ0

Gr.PRJ—FS/350—12/2000—50,000.